

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Rory A. J. Curtis, et al.

For: 53010, A NOVEL HUMAN CARBOXYLESTERASE FAMILY MEMBER AND USES
THEREOF

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☒ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

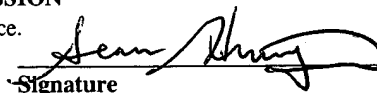
MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application,
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a) 37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EL992152715US

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.


Signature
Sean Hunziker
(type or print name of person certifying)

Date: September 29, 2003

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Practitioner's Docket No. : MPI00-524P1RDV1M

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. Application Serial No. 10/023,515 filed December 18, 2001, which claims priority to U.S. Provisional Application Serial No. 60/256,369 filed December 18, 2000, and U.S. Provisional Application Serial No. 06/279,508 filed March 28, 2001.

3. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application
B. ☐ Conditional Petition for Extension of Time in Prior Application
(complete this item, if previous item not applicable)
☐ A conditional petition for extension of time is being filed in the pending **prior** application.
☐ A **copy** of the conditional petition filed in the prior application is attached.

4. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

- ☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

123 Pages of Specification, including
119 Pages of Description
3 Pages of Claims
1 Page of Abstract
3 Sheet of Drawings (Figure(s) 1-2B)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
☒ Formal
☐ Informal

Practitioner's Docket No. : MPI00-524P1RDV1M

6. Additional Papers Enclosed

- ☒ Information Disclosure Statement (37 C.F.R. Section 1.98)(2 pages)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)(5 pages)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☒ 9 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823) and 4 pages of Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence (37 CFR Section 1.821(f))
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other: Preliminary Amendment (7 pages)

7. Declaration or Oath (including power of attorney)

- ☒ (3 pages) Copy of the executed Combined Declaration and Power of Attorney documents filed in prior U.S. Application Serial No. 10/023,515, filed December 18, 2001.
- ☐ Not Enclosed.

8. Assignment

- ☒ Assignment of the invention filed in prior U.S. Application Serial No. 10/023,515, filed December 18, 2001, to Millennium Pharmaceuticals, Inc., a copy of which
 - ☒ is enclosed (5 pages).
 - ☐ will follow.

Practitioner's Docket No. : MPI00-524P1RDV1M

9. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$750.00
Total Claims (37 C.F.R. Section 1.16(c))	20	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. Section 1.16(b))	2	- 3 =	0	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	0	\$280.00			\$0.00

Filing Fee Calculation

\$750.00

- ☐ Amendment canceling extra claims is enclosed.
- ☐ Amendment deleting multiple-dependencies is enclosed.
- ☐ Fee for extra claims is not being paid at this time.

Practitioner's Docket No. : MPI00-524P1RDV1M

10. Method of Payment of Fees

- ☐ Check in the amount of \$_____.
- ☒ Charge Account No. 501668 in the amount of \$750.00
- A duplicate of this transmittal is attached.

11. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.
- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

- ☒ Credit Account No. 501668.
- ☐ Refund

13. Correspondence Address

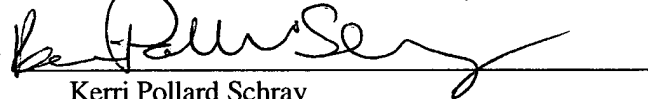
Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
75 Sidney Street
Cambridge, MA 02139

September 29, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By



Kerri Pollard Schray
Attorney/Agent for Applicant
Registration No. 47,066
75 Sidney Street
Cambridge, MA 02139
Telephone – (617) 551-3676
Facsimile – (617) 551-8820

☒ Statement Where No Further Pages Added

- ☒ This transmittal ends with this page.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Curtis, Rory A. J., et al.
Application No.: N/A Group No.: N/A
Filed: Herewith Examiner: N/A
For: 53010, A NOVEL HUMAN CARBOXYLESTERASE FAMILY MEMBER AND
USES THEREOF

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

1. This submission accompanies the new application being filed concurrently herewith

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Kerri Pollard Schray
(type or print name of person signing below)

state the following:

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

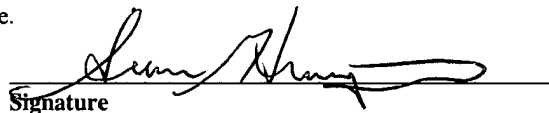
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☐ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Addressee"
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Signature

Date: September 29, 2003

Sean Hunziker
(type or print name of person certifying)

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ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).
- C. ☐ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.
- D. ☒ Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:	Curtis, Rory A. J., et al.		
Application No.:	10/023,515	Group No.:	1652
Filed:	December 18, 2001	Examiner:	Swope, Sheridan
For:	53010, A NOVEL HUMAN CARBOXYLESTERASE FAMILY MEMBER AND USES THEREOF		

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form	"Sequence Identifier"
(other application)	(this application)

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(f).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).

Practitioner's Docket No. MPI00-524P1RDV1M

F. ☐ Because this submission is made in fulfilling the requirement under 37 C.F.R. Section 1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

EXTENSION OF TERM

5. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$1,390.00	\$ 695.00

Fee \$0.00

If an additional extension of time is required, please consider this a petition therefor.

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$0.00

OR

Practitioner's Docket No. MPI00-524P1RDV1M

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

6. ☐ Attached is a check in the sum of \$_____.
- ☐ Charge Account No. 501668 the sum of \$0.00.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

8. ☒ If any additional extension and/or fee is required, charge Account No. 501668.

September 29, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By Kerri Pollard Schray
Kerri Pollard Schray
Attorney/Agent for Applicant
Registration No. 47,066
75 Sidney Street
Cambridge, MA 02139
Telephone – (617) 551-3676
Facsimile – (617) 551-8820